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EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/625,241	Applicant(s) PARRY ET AL.	
	Examiner Mark R. Milia	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,27-37 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,27-37 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Appeal Brief

1. Applicant's Appeal Brief was received on 10/16/08 and has been entered and made of record. Prosecution is hereby reopened. Currently, claims 1-6, 27-37, and 53-58 are pending.

Response to Arguments

2. Applicant's arguments, see pages 16-17 of the Appeal Brief, filed 10/16/08, with respect to the rejection(s) of claim(s) 4 and 36 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

3. Applicant's arguments filed 10/16/08, regarding claims 1, 27-32, and 53-58 have been fully considered but they are not persuasive.

Regarding claims 1, 32, and 53, the applicant asserts that Phillips (US 6,332,062) and Ohara (US 2003/0234957) do not teach or suggest a method of providing "web content" to a printing device using a memory module attached to a print consumable. The examiner respectfully disagrees as the combination of Phillips and Ohara does disclose such a feature. Particularly, Phillips shows a toner cartridge **32**

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with an attached memory tag **36** that can store such information as a vendor URL and transmits this information to a printer upon installation of the toner cartridge into the printer (column 2 lines 15-18 and column 3 lines 10-13 and 21-65). A URL is interpreted as “web content” per the applicant's specification which states that web content may include any information or programming used as, or as part of, a web page or a link, among a number of other things, (paragraph 20), of which a URL is consistent with. Ohara discloses a printer with an embedded web server **25** that creates and delivers a web page, which is specified by a URL (paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips and Ohara to arrive at a system that provides “web content” to a printing device using a memory module attached to a print consumable.

Regarding claims 27-28 and 54-55, the applicant asserts that Richards (US 6,532,351) does not disclose or suggest “web content” or any type of data that is received from a purchaser of a printing device consumable. The examiner respectfully disagrees as Richards does disclose, or at the very least, suggest such a feature. Particularly, Richards states that information such as the identity of the end user intended to receive the module in the mail, or a particular service contract number under which the packaged module is sent can be stored in the customer replaceable unit monitor (CRUM) memory that is attached to a consumable, which is information tied to a purchaser of a printing device. When taking the combination of Phillips, Ohara, and Richards as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in such a way that a purchaser

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could specify desire web content, such as a URL to the vendor's web page, which is described in Phillips, and store this information in the memory attached to a consumable prior to the consumable being sent to the end user/purchaser, as described in Richards.

Regarding claims 29-31 and 56-58, the applicant asserts that Ishizuka (US 2005/0240518) fails to teach or suggest "receiving web content" from a purchaser. The examiner would like to point out that the reference of Ishizuka was used to show that it is known in the art that ordering consumables can take place at a terminal at a consumables sales facility. Ishizuka states that customer computer **100** is a computer used by an entity including a person, company, corporation, or any other entity which desires to obtain or purchase some type of goods or services (paragraph 20). When combination of Phillips, Ohara, Richards, and Ishizuka as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in such a way that a purchaser could specify desire web content, such as a URL to the vendor's web page, which is described in Phillips, and store this information in the memory attached to a consumable prior to the consumable being sent to the end user/purchaser, as described in Richards, the purchaser being at a terminal at a consumables sales facility, as described by Ishizuka.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 1-3, 32, 36, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,113,208 to Benjamin et al. in view of U.S. Patent Application Publication No. 2003/0234957 to Ohara.

Regarding claim 1, Benjamin discloses a method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website).

Benjamin does not disclose expressly wherein said web content is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 32, Benjamin discloses a consumable for use with a printing device, said consumable comprising: a printing device consumable (see Fig. 2 **14**), a memory module attached to said printing device consumable (see Fig. 2 **20**), and web content stored on said memory module (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can

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automatically cause the printer's host processor to connect to the manufacturers website).

Benjamin does not disclose expressly wherein said web content is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 53, Benjamin discloses a method of providing web content for a printing device, said method comprising: storing web content on a memory module attached to a printing device consumable (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website), uploading said web content from said memory module to said printing device when said consumable is installed in said printing device (see Figs. 2-4, column 3 lines 12-20 and 31-45, and column 4 lines 5-11 and 46-54, memory **20** is attached to ink cartridge **14**, the memory contains an internet address that can be transmitted to printer **1**, and can automatically cause the printer's host processor to connect to the manufacturers website), and, said web content provided to said printing device with said memory module attached to said printing device consumable (see column 3 lines 12-20, column 4 lines 5-11 and 51-54, and column 4 line 62-column 5 line 5).

Benjamin does not disclose expressly serving up a web page with said printing device using an embedded web server.

Ohara discloses serving up a web page with said printing device using an embedded web server (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Benjamin & Ohara are combinable because they are from the same field of endeavor, providing web content to a printer device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedded web server, as described by Ohara, and which is well known in the art, with the system of Benjamin.

The suggestion/motivation for doing so would have been to quickly and efficiently view the URL stored on the RFID without putting added burden on the user.

Therefore, it would have been obvious to combine Ohara with Phillips to obtain the invention as specified in claims 1, 32, and 53.

Regarding claim 2, Benjamin further discloses installing said printing device consumable in said printing device (see column 3 lines 12-20) and interfacing said printing device and said memory module (see column 4 lines 51-54 and column 4 line 62-column 5 line 5).

Regarding claim 3, Benjamin further discloses uploading said web content from said memory module to a memory of said printing device (see column 4 lines 5-11).

Regarding claim 36, Benjamin further discloses a wired interface for said memory module for interfacing and communicating with a printing device (see column 3 lines 17-20).

6. Claims 1, 32-34 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,332,062) in view of U.S. Patent Application Publication No. 2003/0234957 to Ohara.

Regarding claim 1, Phillips discloses a method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30, reference states that a URL may be stored in the memory of the RFID and output for the user to see, the memory can store a vendor URL that can be transmitted to the printer).

Phillips does not disclose expressly wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 32, Phillips discloses a consumable for use with a printing device, said consumable comprising: a printing device consumable (see Figs. 2 and 3 **32** and column 3 lines 10-12), a memory module attached to said printing device consumable (see Figs. 2 and 3 **36**, column 2 lines 8-18, and column 3 lines 21-30, the memory can store a vendor URL that can be transmitted to the printer), and web content stored on said memory module (see Figs. 2 and 3 **50**, column 2 lines 8-18, and column 3 lines 21-30).

Phillips does not disclose expressly wherein said web content comprises content is included in a web page that is served up by said printing device using an embedded web server.

Ohara discloses a web page that is served up by said printing device using an embedded web server, the web page being specified by a URL (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Regarding claim 53, Phillips discloses a method of providing web content for a printing device, said method comprising: storing web content on a memory module attached to a printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30, reference states that a URL may be stored in the memory of the RFID and output for the user to see), uploading said web content from said memory module to said printing device when said consumable is installed in said printing device (see Figs. 2 and 3, column 2 lines 8-18, column 3 lines 21-30, column 3 line 45-column 4 line 5, and column 4 lines 57-60), and, said web content provided to said printing

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device with said memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Phillips does not disclose expressly serving up a web page with said printing device using an embedded web server.

Ohara discloses serving up a web page with said printing device using an embedded web server (see Fig. 1 and paragraph 31, an embedded web server **25** creates and delivers a web page, which is specified by a URL).

Phillips & Ohara are combinable because they are from the same field of endeavor, providing web content to a printer device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedded web server, as described by Ohara, and which is well known in the art, with the system of Phillips. Phillips shows a toner cartridge **32** with an attached memory tag **36** that can store such information as a vendor URL and transmits this information to a printer upon installation of the toner cartridge into the printer (column 2 lines 15-18 and column 3 lines 10-13 and 21-65). A URL is interpreted as "web content" per the applicant's specification which states that web content may include any information or programming used as, or as part of, a web page or a link, among a number of other things, (paragraph 20), of which a URL is consistent with. Ohara discloses a printer with an embedded web server **25** that creates and delivers a web page, which is specified by a URL (paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to combine the teachings of Phillips and Ohara to arrive at a system set forth in claim 32.

The suggestion/motivation for doing so would have been to quickly and efficiently view the URL stored on the RFID without putting added burden on the user.

Therefore, it would have been obvious to combine Ohara with Phillips to obtain the invention as specified in claims 32 and 53.

Regarding claim 33, Phillips further discloses a wireless interface for said memory module for interfacing and communicating with a printing device (see Fig. 3 **(36)** and column 3 lines 45-65).

Regarding claim 34, Phillips further discloses wherein said wireless interface comprises a radio frequency interface (see Fig. 3 **(36)** and column 3 lines 45-65).

7. Claim 4-6 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin and Ohara as applied to claims 2 and 32 above, and further in view of U.S. Patent No. 6,507,762 to Amro et al.

Regarding claim 4, Benjamin discloses a web content interface that connects said memory module to a memory of said printing device (see column 4 lines 5-11, 35-40, and 51-54).

Benjamin and Ohara do not disclose expressly uploading a web content interface.

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Amro discloses uploading an interface to allow communication between a portable digital device and an appliance (see column 6 lines 12-36).

Regarding claim 37, Benjamin discloses a web content interface that connects said memory module to a memory of said printing device (see column 4 lines 5-11, 35-40, and 51-54).

Benjamin and Ohara do not disclose expressly uploading a web content interface.

Amro discloses uploading an interface to allow communication between a portable digital device and an appliance (see column 6 lines 12-36).

Benjamin, Ohara, & Amro are combinable because they are from the same field of endeavor, communication/interfaces between devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the uploading of an interface to allow communication between devices, as described by Amro, with the system of Benjamin and Ohara. It is well known in the art that it may be necessary to upload an interface between two devices to allow proper communication.

The suggestion/motivation for doing so would have been to ensure proper communication between devices.

Therefore, it would have been obvious to combine Amro with Benjamin and Ohara to obtain the invention as specified in claims 4 and 37.

Regarding claim 5, Benjamin further discloses executing said web content interface with a controller of said printing device (see column 4 lines 51-54 and column 4 line 62-column 5 line 5, microprocessor **40** enables downloading of data from memory **20**).

Regarding claim 6, Benjamin further discloses using said web content on said memory module through said web content interface (see column 4 lines 51-54 and column 4 line 62-column 5 line 5, microprocessor **40** enables downloading of data from memory **20**, such as an internet address for a manufacturers website).

8. Claims 27-28 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips and Ohara as applied to claims 1 and 53 above, and further in view Richards et al. (US 6,532,351).

Regarding claims 27 and 54, Phillips discloses the ability to write content to the RFID memory module from a printing device or any device with an interrogating device (see column 3 lines 45-52) and storing said web content on said memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Phillips and Ohara do not disclose expressly receiving data specifying desired web content from a purchaser of a printing device consumable.

Richards discloses receiving data specifying desired web content from a purchaser of a printing device consumable (see Fig. 2, column 4 line 4-column 5 line 32, column 6 lines 10-16, and column 7 lines 36-64, reference states that any number of

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items can be stored on the memory module prior to shipping the printing device consumable).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the specifying of desired content from a purchaser of a printing device consumable, as described by Richards, with the system of Phillips and Ohara.

The suggestion/motivation for doing so would have been to provide stored content that will aid a user in using a printing device and therefore increase overall system efficiency.

Therefore, it would have been obvious to combine Richards with Phillips and Ohara to obtain the invention as specified in claim 27.

Regarding claims 28 and 55, Richards further discloses providing said printing device consumable with said memory module to said purchaser (see column 7 lines 36-64).

9. Claims 29-31 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips, Ohara, and Richards as applied to claims 27 and 54 above, and further in view of U.S. Patent Application Publication No. 2005/0240518 to Ishizuka.

Regarding claims 29 and 56, Phillips, Ohara and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser

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comprises receiving said web content through a terminal at a consumables sales facility.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility (see paragraphs 20-21).

Regarding claims 30 and 57, Phillips, Ohara and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network (see paragraphs 20-21).

Phillips, Richards, & Ishizuka are combinable because they are from a similar field of endeavor, printing device consumable that are purchased by a user/customer/purchaser.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the system of purchasing a printing device consumable, such as a toner/ink cartridge via a terminal connected over a network to a manufacturer/sales facility, as described by Ishizuka, with the system of Phillips, Ohara and Richards.

The suggestion/motivation for doing so would have been to enable a user to purchase the correct consumable item by providing the appropriate information and having the item shipped to the user, which is well known in the art and commonly utilized.

Therefore, it would have been obvious to combine Ishizuka with Phillips, Ohara and Richards to obtain the invention as specified in claims 29-30.

Regarding claims 31 and 58, Ishizuka further discloses wherein said computer network comprises the Internet (see Fig. 1 and paragraph 20).

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips and Ohara as applied to claim 32 above, and further in view of Richards.

Phillips and Ohara do not disclose expressly wherein said wireless interface comprises an infrared interface.

Richards discloses wherein said wireless interface comprises an infrared interface (see column 5 lines 10-14).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the infrared wireless interface, as described by Richards, with the system of Phillips.

The suggestion/motivation for doing so would have been to have an alternative wireless connection to a radio frequency interface, both of which are well known and commonly used wireless interfaces.

Therefore, it would have been obvious to combine Richards with Phillips and Ohara to obtain the invention as specified in claim 35.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

/Mark R. Milia/
Examiner, Art Unit 2625

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/David K Moore/

Supervisory Patent Examiner, Art Unit 2625